

**United States District Court
District of Massachusetts
Office of the Clerk**



CJA Assignment Protocol

INTRODUCTION

The purpose of the CJA Assignment Protocol is to ensure that the assignment goals of the Plan for Implementing the Criminal Justice Act of 1964, As Amended 18 USC § 3006A (CJA Plan) adopted on June 1, 1993, and amended on August 4, 2009 - effective September 1, 2009, in the District of Massachusetts are met and tracked. The goal is to maximize random assignment and equitable distribution of cases. The Clerk's Office shall utilize the CJA Assignment Program for making random CJA panel attorney selections and tracking direct assignments to the Federal Defender Organization (FDO), CJA duty attorneys, non-CJA attorneys and CJA panel attorneys district-wide.

AUTHORITY

The Plan for Implementing the Criminal Justice Act of 1964, As Amended 18 USC § 3006A, in the District of Massachusetts.

CJA ASSIGNMENT PROGRAM

The CJA Assignment Program is a weighted system of random selection and direct assignment in which the program logic continuously self-balances the weights across all panel attorneys. Attorneys with lowest weights are randomly selected first. If the lowest weighted attorneys are tied at the same weight, the system uses random selection to pick the next attorney to call. Every call transaction is maintained in the database. Randomness is inherent to the system. The system has two case levels with varying weights, indictment/complaint and all other appointments.

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For an assignment to a case upon filing of a complaint or indictment, an attorney is assigned three points for acceptance, declination or judicial appointment. If the courtroom clerk is unable to reach the attorney, the attorney is assigned one point. If the attorney is unable to accept the assignment due to a case conflict, an attorney is not assigned any points. If an assignment is rescinded, three points are deducted from the attorney's account.

For an assignment to all other matters, an attorney is assigned one point for acceptance, declination or judicial appointment. If the courtroom clerk is unable to reach the attorney, the attorney is assigned one point. If the attorney is unable to accept the assignment due to a case conflict, an attorney is not assigned any points. If an assignment is rescinded, one point is deducted from the attorney's account.

When new CJA Panel Attorneys are added to the CJA Assignment Program, the attorneys will automatically receive an initial point weight equal to the average weight of the existing CJA panel attorneys at the time they are added.

ASSIGNMENT PROTOCOL

The FDO shall receive at least 35% of all assignments in the Eastern and Central divisions, CJA duty attorneys are to receive those cases that the FDO cannot take, and random assignments are made for any assignment that the FDO or CJA duty attorney cannot accept. A CJA duty attorney shall not receive more than two criminal complaint or indictment cases on their duty day. The CJA duty attorney program has been established in the Boston office. In Springfield and Worcester, if the FDO is not appointed, a CJA panel attorney shall be appointed randomly through the CJA Assignment Program.

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Upon a new arrest, the courtroom clerk shall contact the FDO duty attorney, unless the clerk is aware of a conflict. If the clerk is advised that the FDO has a conflict, the courtroom clerk shall contact the CJA duty attorney. If there is a case requiring more than two attorneys (e.g., a multiple defendant case), or if both the FDO duty attorney and the CJA duty attorney decline or are conflicted, the courtroom clerk shall make a random assignment utilizing the CJA Assignment Program.

ASSIGNMENT/REPORTING PROCEDURES

Courtroom Clerk

The courtroom clerk shall utilize the CJA Assignment Program when making all appointments. To maintain the proper protocol of attorney selection, courtroom clerks must check the CJA Assignment Program before making assignments to determine what other assignments have been made during the day. Appointments to the FDO, CJA duty attorney or a judicial appointment shall be entered as direct appointments in the CJA Assignment Program. Random CJA panel attorney appointments will be made from the CJA Assignment Program. To ensure accuracy in weighting, all assignments must be entered in the CJA Assignment Program immediately upon making the appointment.

When randomly selecting an attorney, the courtroom clerk will attempt to contact the attorney by telephone using the contact information provided by the attorney. The call resolution must be entered. Call resolution includes accepted, no answer, refusal or case conflict. If the CJA attorney does not accept the case or does not answer, the courtroom clerk requests the next random assignment. The courtroom clerk shall not leave messages for return calls. The courtroom clerk is finished when a CJA attorney accepts the assignment, and the appointment is entered in the CJA Assignment Program.

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Financial Staff

The financial staff shall utilize the CJA Assignment Program's CJA Cases Report for notification of appointments. The financial staff will prepare the order appointing the FDO, CJA attorney or judicial appointment. They are responsible for setting up the client notebook in the CJA Payment System and producing the CJA 20, 21 and 24 vouchers. The appointment will be docketed in CM/ECF and vouchers will be mailed to the attorney by the financial staff.

Financial Manager

In order to provide advance notice of the potential for upcoming case assignments, at least once a month, the Financial Manager will send an e-mail to members of each panel. The e-mail will contain the approximate order in which attorneys will be called.

The Financial Manager is responsible for auditing the CJA Assignment Program and CJA Payment System for accuracy, quota of FDO assignments, and case assignment randomness. The Financial Manager shall produce monthly and annual reports on case assignments.

Operations Manager

The Operations Manager is responsible for maintaining the attorney management records.

CJA Panel Attorneys

It is the responsibility of the CJA Panel Attorneys to ensure that their contact information is current. CJA Panel Attorneys shall provide any contact information updates to the Operations Manager.